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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,475	11/01/2001	Ricardo Alba Mariano	0004-019	5453

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,475

Applicant(s)

MARIANO, RICARDO ALBA

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 24-28 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 11, 13-18, 21-23 and 29-34 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 7, 9, 10, 12, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 24-28 are still withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 14, 29-32 & 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 14, lines 5-6, the phrase "said opening" does not have a proper antecedent basis. Claim 29 is deemed indefinite since the limitation "means for elastically mounting said cover to said bracket" is expressed in means-plus-function language [invoking 35 U.S.C. §112, ¶ 6] as argued by applicant, and therefore "shall be construed to cover corresponding structure... described in the specification"; as such, a review of the description revealed that the corresponding structure, material or acts [e.g., "cover 302 mounts elastically to bracket 304" pg. 6, lines 9-10] was unclear as to what actually constitutes a "means for elastically mounting" and therefore does not satisfy the definiteness requirement of 35 U.S.C. §112, ¶ 2 since the corresponding structure, material or acts is not clearly defined in the specification. In Claim 34, line 2, the phrase "said computer" does not have a proper antecedent basis. Consequently, the remaining claims are rendered indefinite because they are dependent upon a rejected claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 8, 13, 15-17, 21, 23 & 29-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Moore et al., [U.S. Patent No. 5,683,030]. Moore (figures 1-5B) teaches of a door (see bottom system as depicted in fig. 1) comprising: a bracket (30) having a first portion (bottom of 30) and a second portion (above the bottom and below opening 31), the first portion adapted to facilitate pivotal engagement with a housing (20) via hinge (37) [it is noted that the housing may be viewed as a “computer housing” in the sense that a computer may be situated within the prior art housing in as much as the “computer housing” is not positively being claimed in combination with the door] whereby the bracket can pivot about an axis; and a cover (40) elastically mounted to the second portion of the bracket via tape (42), whereby the cover is supported by the bracket. As to claim 2, the cover includes a back surface (note figs. 5A-5B for an example – the surface referenced as “40”) and the bracket is elastically covered to the surface. As to claim 3, the door further comprising a biasing member (viewed as magnets 50 – magnetic attraction between the cover and bracket) disposed to urge the cover against the bracket. As to claim 8, the cover includes an alignment feature (viewed as hook member 50) and the bracket includes a complementary alignment feature (viewed as loop member 50) wherein the alignment features moveably engage one another (fig. 5B to fig. 5A). As to claims 13 and 16-17, the cover may include a beveled edge (such as the beveled edge of cover (40) as depicted in fig.

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4). As to claim 15, the bracket is shaped such that the axis will be disposed adjacent the opening of a housing (see figs. 4 & 5A for an example). As to claims 21 & 23, the bracket and cover form an assembly and the assembly includes a smooth rear surface (such as the lower surface of (30)) which is capable of abutting devices that may move through the opening as best understood, wherein the assembly is substantially free of any member projecting rearward of the rear surface. As to claims 29-34, the bracket and cover are previously established; the means for elastically mounting the cover to the bracket is viewed as the tape (42). The means for biasing the cover against the bracket was previously established. The means for loosely aligning the cover with the bracket is the hook and loop fastener (50). The means for pivotally connecting the bracket to a housing is (37). The pivoting axis of the bracket being spaced apart from the cover, while the cover is solely supported via the bracket.

6. Claims 1-3, 8, 11, 13-18, 21-23 & 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Edelman [U.S. Patent No. 4,533,165]. Edelman (figures 1-5) teaches of a door (fig. 1) comprising: a bracket (14) having a first portion (right side portion of fig. 2) and a second portion (left side portion of fig. 2), the first portion adapted to facilitate pivotal engagement with a housing (12) via hinge member (24) [it is noted that the housing may be viewed as a "computer housing" in the sense that a computer may be situated within the prior art housing in as much as the "computer housing" is not positively being claimed in combination with the door] whereby the bracket can pivot about an axis; and a cover (28) elastically mounted to the second portion of the bracket via a linked mechanism (note figs. 2-3), whereby the cover is supported by the bracket. As to claim 2, the cover includes a back surface (the opposite surface as depicted in fig. 1) and the bracket is elastically covered to the

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surface. As to claim 3, the door further comprising a biasing member (viewed as member 38 – when the knob (40) of lock 36 is rotated, member 38 is biased to retain the cover against the bracket) disposed to urge the cover against the bracket. As to claim 8, the cover includes an alignment feature (viewed as the lock cylinder) and the bracket includes a complementary alignment feature (viewed as the cylinder receiving aperture as depicted in fig. 2) wherein the alignment features moveably engage one another (fig. 2). As to claim 11, the alignment features include one post (the cylinder) and one post receiving aperture (the cylinder receiving aperture). As to claim 13, the cover includes a beveled edge (viewed as the beveled edge of element 54) in as much as the limitation is broadly recited. As to claim 14, the beveled edge can be self-aligned with a beveled seat (52) near an opening of the housing as best understood by the examiner. As to claim 15, the bracket is shaped such that the axis will be disposed adjacent the opening of a housing (fig. 2). As to claim 16, the hinge member and beveled edge have previously established. As to claims 17-18, the biasing member and alignment features were previously established. As to claim 21, the bracket and cover form an assembly as readily apparent to the examiner, and the assembly includes a substantially smooth rear surface (note element 18 for example in fig. 2). As to claims 22-23, at least a portion of the rear surface is arcuate, note the arcuate end portions of element (18), wherein the assembly is free of any member projecting rearward of the rear surface (see fig. 2). As to claims 29-30 and 32-33, the recited limitations were previously established; wherein the pivoting axis of the bracket being spaced apart from the cover. As to claim 31, the means for loosely aligning the cover with the bracket is viewed as the locking cylinder and the aperture.

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Allowable Subject Matter

7. Claim 6 is allowed.
8. Claims 4-5, 7, 9-10, 12 & 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

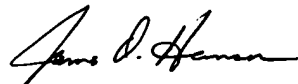
9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 703-305-7414. The examiner can normally be reached on Mon.-Fri. 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
November 24, 2003